

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 16 is currently being amended. The amendment to claim 16 is to improve its clarity without narrowing its scope. New claim 18 is added. No new matter is added.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-18 are pending in this application.

Claim objection

Claim 16 was objected to. Claim 16 has been amended to improve the clarity of the language identified by the Examiner, and applicants submit that the objection to claim 16 has been overcome.

Rejections under 35 U.S.C. § 103

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0010471 to Lenard ("Lenard") in view of U.S. Patent No. 5,752,041 to Fosdick ("Fosdick"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenard. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a telecommunications platform having a plurality of communications links of which only a portion of the links to a communications network are enabled for use through the activation of a first base license key, and where each link provides a certain amount of traffic capacity to the communications network. The telecommunications platform of claim 1 comprises "a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network." Lenard and Fosdick fail to suggest at least this feature of claim 1.

Lenard is directed to a system for software license balancing in a system with two or more license servers located at different sites (abstract). When the number of software licenses available at one site falls below a predetermined number, and software licenses exist at an underutilized site, software licenses are transferred to the overutilized site, thus balancing the number of software licenses available at each site (abstract).

Lenard, however, fails to disclose any licensing framework for activating an upgrade license key to enable additional ones of a plurality of communication links to a communications network as recited in claim 1, where each communication link provides a certain amount of traffic capacity to the communications network. Lenard merely discloses shifting the number of software licenses between server sites so that enough software licenses are available at high use sites for use by users of that server requesting licenses. Lenard, however, does not disclose that the traffic capacity to a particular server depends on the number of users connected to that server requesting licenses. Thus, the user connections to the server for users having a software license do not necessarily correspond to the communication links of claim 1, which have a certain amount of traffic capacity.

The Office Action states on page 11 with respect to Lenard:

The upgrade license key, enabling additional ones of the plurality of links relates to a license server that obtains one or more licenses for an additional user, because when an additional license is obtained it creates an additional communication link between the server and the user (see paragraphs [0025] & [0026]). Creating additional communication links in this manner relates to each communication link providing a certain amount of traffic capacity to the communications network because changing the number of software licenses at the license server allows for it to increase its traffic capacity as more users are able to gain access (see paragraphs [0025] & [0025]).

The cited sections of Lenard, however, do not disclose a licensing framework for activating an upgrade license key to enable additional ones of a plurality of communication links to a communications network as recited in claim 1, where each communication link provides a certain amount of traffic capacity to the communications network. Lenard

discloses in paragraph [0025] that when a license server 132 receives an application file usage request from a user 137, the server 132 determines whether a software license is available from that server 132. If not, the server 132 may increase its number of software licenses if one is available from another server, and where the additional software license allows concurrent usage of the application software to the user 137. Lenard does not disclose, however, that the additional software license increases the number of enabled communication links to the server 132 in the manner recited in claim 1. In Lenard, the user 137 requests usage of the application software from the server 132. At the time of requesting usage, the user 137 must presumably do so through an enabled communication link to the server 132. Thus, Lenard does not disclose that increasing the number of software licenses for a particular server increases the enabled communication links, the communication link for a user 137 to the server 132 is already enabled at time of the request for usage.

Thus, Lenard, even if combined with Fosdick, fails to suggest all the features of claim 1.

Fosdick was cited for allegedly disclosing a traffic monitoring element, but fails to cure the deficiencies of Lenard.

Independent claims 8, 15, 16 and 17 respectively recite “activating an upgrade license key to enable additional ones of the plurality of links to the communications network”, “a licensing framework for activating an upgrade license key to temporarily enable additional ones of the plurality of links to the communications network”, “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network” and “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network”, and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for reasons analogous to their respective independent claims, as well as for further patentable features recited therein. For example,

Lenard and Fosdick fail to suggest the features of at least dependent claims 2, 9, or 13, nor would such features have been obvious in light thereof.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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